

United States District Court

for the
Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 24, 2022

SEAN F. MCVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Hector Diaz

Case Number: 0980 2:16CR00036-TOR-1

Address of Offender: [REDACTED], Kennewick, Washington 99336

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: March 29, 2018

Original Offense: Conspiracy to Distribute 500 Grams or More of a Mixture or Substance Containing Methamphetamine, 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii) and 846

Original Sentence: Prison - 30 months
TSR - 60 months Type of Supervision: Supervised ReleaseRevocation Sentence: Prison - 8 months
10/06/2021 TSR - 52 months

Asst. U.S. Attorney: Caitlin A. Baunsgard Date Supervision Commenced: March 28, 2022

Defense Attorney: Molly Winston Date Supervision Expires: July 27, 2026

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 5/11/2022 and 5/25/2022.

On April 5, 2022, supervised release conditions were reviewed with Mr. Diaz at the U.S. Probation Office in Richland, Washington. Mr. Diaz signed of copy of his judgment acknowledging an understanding of his conditions.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

5 **Special Condition # 4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Hector Diaz is considered to be in violation of his conditions of supervised release by failing to attend random drug testing at Merit Resource Services (Merit) on August 17, 2022.

Mr. Diaz reported to the U.S. Probation Office in Richland, Washington, on April 5, 2022. During this contact, Mr. Diaz was referred to Merit and placed on their drug testing hotline.

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He was directed to call the drug testing hotline daily and report to their office for drug testing when the color gold was called.

On August 18, 2022, the undersigned received notice from Merit that the color gold was called on August 17, 2022, and Mr. Diaz was not present for a drug test.

6 **Special Condition # 4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Hector Diaz is considered to be in violation of his conditions of supervised release by using a controlled substance, cocaine, on or about August 21, 2022.

As noted in the previous violation, Mr. Diaz failed to report for a random drug test on August 17, 2022. Mr. Diaz was contacted by the undersigned on August 22, 2022, and directed to report to the probation office in Richland to provide a drug test at 3:45 p.m. Mr. Diaz did not report as directed. Instead, he sent a text message to the undersigned at 4:51 p.m. apologizing and reporting he lost track of time. He was directed to report on August 23, 2022, at 8 a.m. for a drug test.

Mr. Diaz reported on August 23, 2022, to the Richland probation office at approximately 9 a.m. Officer Lee met with Mr. Diaz as the undersigned had another appointment to uphold. Mr. Diaz submitted a drug test which tested presumptive positive for cocaine. At first Mr. Diaz denied using any drugs, but then admitted to using cocaine on or about August 21, 2022, and signed a drug use admission form.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/23/2022

s/Daniel M. Manning

Daniel M. Manning
U.S. Probation Officer

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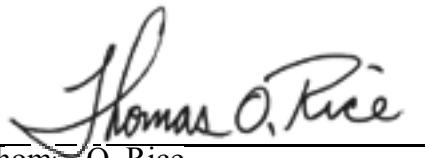
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THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- Defendant to appear before the Judge assigned to the case.
- Defendant to appear before the Magistrate Judge.
- Other: *All alleged violations will be addressed at the next Revocation of Supervised Release hearing.*



Thomas O. Rice
United States District Judge

August 24, 2022

Date